

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 501 - HB 1729

March 24, 2009

SUMMARY OF BILL: Broadens the Class C felony offense of aggravated assault to include strangulation, regardless of actual physical injury. Defines strangulation as intentionally or knowingly impeding the normal breathing or circulation by applying pressure to the throat or neck or by blocking the nose or mouth of another.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$862,700/Incarceration*

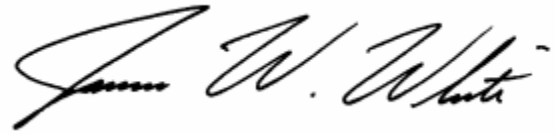
Assumptions:

- According to the Department of Correction (DOC), there has been an average of 950 admissions for aggravated assault in each of the past 10 years. DOC assumes that 10 percent (95) of those would have been reduced to a misdemeanor charge under current law because the offense did not result in serious bodily injury to the victim. Ten percent of those (10) would involve strangulation.
- Ten persons would be convicted of a Class C felony offense for strangulation in the first year as a result of this bill. According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 11 offenders.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class C felony is 3.59 years. The cost per offender at 3.59 years is \$78,426.50 (\$59.80 x 1,311.48 days). The total additional operating cost for 11 offenders is \$862,691.50 (\$78,426.50 x 11).
- Any impact on the caseloads for state trial courts can be accommodated within existing judicial resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc